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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JAMES WILLIAMS,

9 Plaintiff,

10 v.

11 SGT. AHMAD MOHAMEDAD, et al.,

12 Defendants.

Case No. C10-1571-MJP-BAT

**REPORT AND
RECOMMENDATION**

13 Plaintiff James Williams is proceeding pro se and in forma pauperis in this civil rights
14 action under 42 U.S.C. § 1983, which alleges violations of his First, Eighth, and Fourteenth
15 Amendment rights by Department of Corrections staff. Dkt. 14. Defendants have filed a motion
16 to dismiss and stay discovery. Dkt. 33. Plaintiff has filed several motions related to discovery
17 and his conditions of confinement. Dkt. 23, 25, 31, 35, 38. These motions remain pending
18 before the Court. Plaintiff has now filed a motion to voluntarily dismiss the case. Dkt. 54.

19 Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may voluntarily dismiss an
20 action before the defendant has filed an answer or motion for summary judgment. Because the
21 defendants in this case have not filed an answer or motion for summary judgment, the Court
22 recommends that this action and all claims asserted herein be DISMISSED without prejudice and
23 without fees or costs to either party.

1 A proposed order accompanies this Report and Recommendation. Any objections to this
2 Recommendation must be filed and served upon all parties no later than **June 28, 2011**. If no
3 objections are filed, the matter will be ready for the Court's consideration on that date. If
4 objections are filed, any response is due within 14 days after being served with the objections. A
5 party filing an objection must note the matter for the Court's consideration 14 days from the date
6 the objection is filed and served. The matter will then be ready for the Court's consideration on
7 the date the response is due. Objections and responses shall not exceed twelve pages. The
8 failure to timely object may affect your right to appeal.

9 DATED this 7th day of June, 2011.

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12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
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